

**REPORT OF THE AUDITOR-GENERAL TO THE KWAZULU-NATAL PROVINCIAL
LEGISLATURE AND THE COUNCIL ON THE FINANCIAL STATEMENTS AND
PERFORMANCE INFORMATION OF uMNGENI MUNICIPALITY FOR THE YEAR
ENDED 30 JUNE 2008**

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the uMngeni Municipality which comprise the statement of financial position as at 30 June 2008, statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages [xx] to [xx].

Responsibility of the accounting officer for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1 and in the manner required by the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) and the Division of Revenue Act, 2007 (Act No. 1 of 2007) (DoRA). This responsibility includes:
 - designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error
 - selecting and applying appropriate accounting policies
 - making accounting estimates that are reasonable in the circumstances.

Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act No. 25 of 2004) (PAA) and section 126(3) of the MFMA, my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with the International Standards on Auditing and *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008*. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.
5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

6. An audit also includes evaluating the:
 - appropriateness of accounting policies used
 - reasonableness of accounting estimates made by management
 - overall presentation of the financial statements.
7. Paragraph 11 et seq. of the Statement of Generally Recognised Accounting Practice, GRAP 1 *Presentation of Financial Statements* requires that financial reporting by entities shall provide information on whether resources were obtained and used in accordance with the legally adopted budget. As the budget reporting standard is still in the process of being developed, I have determined that my audit of any disclosures made by the uMngeni Municipality in this respect will be limited to reporting on non-compliance with this disclosure requirement.
8. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Basis of accounting

9. The municipality's policy is to prepare financial statements on the basis of accounting determined by the National Treasury, as set out in accounting policy note 1.

Opinion

10. In my opinion, the financial statements present fairly, in all material respects, the financial position of the uMngeni Municipality as at 30 June 2008 and its financial performance and cash flows for the year then ended, in accordance with the applicable basis of accounting determined by the National Treasury, as set out in accounting policy note 1 and in the manner required by the MFMA and DoRA.

Emphasis of matter

Without qualifying my audit opinion, I draw attention to the following matter:

Restatement of corresponding figures

11. As disclosed in the note 24 to the financial statements, the corresponding figures for service charges and expenditure for the year ended 30 June 2007 have been restated as result of the adjustments processed to transfer the water and sanitation service to the district municipality.

OTHER MATTERS

Without qualifying my audit opinion, I draw attention to the following matters that relate to my responsibilities in the audit of the financial statements:

Non-compliance with applicable legislation

Municipal Finance Management Act

12. The provision of housing for a mayor does not fall within the framework of the Public Office Bearers Act and will result in a transgression of section 167 of the MFMA if occupied at no cost to the mayor or the residence is let at less than a market related

rate. The mayor has not paid rentals, as well as tax on this fringe benefit. The monetary market value of the benefit of the “mayoral residence” less the rental payable by the mayor constitutes irregular expenditure and must be recovered from the mayor. Furthermore, payments already made by the municipality should be regarded as irregular expenditure and therefore be recovered.

Supply Chain Management

13. Legislative procedures embodied in the Municipal Supply Chain Management Regulations (section 12), had not been adhered to in respect of the awarding of tenders to service providers, due to the municipality not obtaining the required number of quotations.

Matters of governance

14. The MFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of certain key governance responsibilities, which I have assessed as follows:

Matter of governance	Yes	No
Audit committee		
<ul style="list-style-type: none"> • The municipality had an audit committee in operation throughout the financial year. 	✓	
<ul style="list-style-type: none"> • The audit committee operates in accordance with approved, written terms of reference. 	✓	
<ul style="list-style-type: none"> • The audit committee substantially fulfilled its responsibilities for the year, as set out in section 166(2) of the MFMA. 	✓	
Internal audit		
<ul style="list-style-type: none"> • The municipality had an internal audit function in operation throughout the financial year. 	✓	
<ul style="list-style-type: none"> • The internal audit function operates in terms of an approved internal audit plan. 	✓	
<ul style="list-style-type: none"> • The internal audit function substantially fulfilled its responsibilities for the year, as set out in section 165(2) of the MFMA. 	✓	
Other matters of governance		
<ul style="list-style-type: none"> • The annual financial statements were submitted for audit as per the legislated deadlines (section 126 of the MFMA). 	✓	
<ul style="list-style-type: none"> • The annual report was submitted to the auditor for consideration prior to the date of the auditor's report. 		✓
<ul style="list-style-type: none"> • The financial statements submitted for audit were not subject to any material amendments resulting from the audit. 		✓
<ul style="list-style-type: none"> • No significant difficulties were experienced during the audit 	✓	

Matter of governance	Yes	No
concerning delays or the unavailability of expected information and/or the unavailability of senior management.		
• The prior year's external audit recommendations have been substantially implemented.	✓	

Unaudited supplementary schedules

15. The municipality provided supplementary information in the financial statements on whether resources were obtained and used in accordance with the legally adopted budget in accordance with GRAP 1 *Presentation of Financial Statements*. The supplementary budget information set out on pages [xx] to [xx] does not form part of the financial statements and is presented as additional information. Accordingly I do not express an opinion thereon.
16. The supplementary information set out as Appendix A to E to the financial statements does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion on them.

OTHER REPORTING RESPONSIBILITIES

Reporting on performance information

17. I was engaged to review the performance information.

Responsibility of the accounting officer for the performance information

18. In terms of section 121(3)(c) of the MFMA, the annual report of a municipality must include the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA).

Responsibility of the Auditor-General

19. I conducted my engagement in accordance with section 13 of the PAA read with *General Notice 616 of 2008*, issued in *Government Gazette No. 31057 of 15 May 2008* and section 45 of the MSA.
20. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate audit evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.
21. I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for the audit findings reported below.

Audit findings (Performance Information)

22. Performance information not received

The financial statements submitted for auditing did not include performance information of the municipality, as required by *General notice 616*, as published in *Government Gazette No. 31057 dated 15 May 2008*, read with section 46 of the MSA. Consequently, I was not able to complete an evaluation of the quality of the performance information to be included in the annual report, at the date of my report.

APPRECIATION

23. The assistance rendered by the staff of the uMngeni Municipality during the audit is sincerely appreciated.

Pietermaritzburg

28 November 2008

